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PATENT
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
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Gee Sung CHAE, et al)	Confirmation No. 3202
)	
Application No.: 10/730,133)	Group Art Unit: 2871
)	
Filed: December 9, 2003)	Examiner: J. Di Grazio
)	
For: ARRAY SUBSTRATE FOR LIQUID)	Mail Stop Amendment
CRYSTAL DISPLAY SUBSTRATE)	
HAVING HIGH APERTURE RATIO)	
AND METHOD FOR FABRICATING)	
THE SAME)	

Commissioner for Patents
U.S. Patent and Trademark Office
Mail Stop Amendment
Alexandria, VA 22314

Sir:

RESPONSE TO ELECTION OF SPECIE REQUIREMENT

In response to the Election of Specie Requirement forwarded by the Office Action mailed August 10, 2005, Applicants hereby provisionally elect Specie B (as identified by the Examiner as allegedly corresponding to "a liquid crystal display and associated method whereby a black matrix covers a thin film transistor, portions of a gate line and common line and an area between the gate line and common line protrusion"), corresponding to claims 43-58, with traverse.

First, Applicants respectfully assert that the Requirement is seriously flawed for identifying alleged species based upon features explicitly recited by the claims. For example, Specie A is identified as being "drawn to a liquid crystal display and associated method whereby a black matrix covers a thin film transistor, protrusion of a common line and portions of a gate

line and common line.” Applicants respectfully assert that the identification of alleged Specie A is based upon explicit language recited by independent claims 13 and 34. As a second example, Specie B is identified as being “drawn to a liquid crystal display and associated method whereby a black matrix covers a thin film transistor, portions of a gate line and common line and an area between the gate line and common line protrusion.” Applicants respectfully assert that the identification of alleged Specie B is based upon explicit language recited by independent claims 43 and 51.

As explicitly directed by MPEP 806.04(e), “[c]laims are definitions of inventions,” and moreover, “[c]laims are never species.” Furthermore, as directed by MPEP 806.04(e), *[s]pecies are always the specifically different embodiments.*” Accordingly, Applicants respectfully assert that the Requirement is seriously flawed since it is based upon explicit language recited by independent claims 13, 34, 43, and 51, and not upon “the specifically different embodiments,” as required by MPEP 806.04(e).

Second, Applicants respectfully assert that Specie A, which the Requirement alleges to be “not illustrated,” is generic to Specie B. Specifically, Applicants respectfully assert that Specie A is not mutually exclusive of Specie B. For example, as pointed out in the Requirement, alleged Specie A recites a general structure of a black matrix “covering the thin film transistor, the protrusion of the common line, and portions of the gate line and common line,” whereas alleged Specie B recites a specific structure of a black matrix “covering the thin film transistor and portions of the gate line and common line” and “an area between the gate line and the protrusion.” Clearly, by all logical reasoning, the general features recited by Specie A are

included in the specific features recited by Specie B. In other words, the general features of alleged Specie A are mutually inclusive of the specific features of alleged Specie B. As directed by MPEP 806.04(f), “[c]laims to be restricted to different species *must be mutually exclusive*” (emphasis added). Accordingly, Applicants respectfully assert that Species A and B are not mutually exclusive since the general features, as relied upon by the Requirement, to identify Specie A are mutually inclusive of the specific features, as relied upon by the Requirement, to identify Specie B. Thus, Applicants respectfully assert that the Requirement is seriously flawed for failing to conduct the general test, as required by MPEP 806.04(f).

Third, Applicants respectfully assert that the Requirement’s allegation that Specie A is “not illustrated” is false. Specifically, Applicants respectfully assert that the black matrix that “covers a thin film transistor, protrusion of a common line and portions of a gate line and common line” is clearly shown in all of FIGs. 5, 6, 7, and 8. Moreover, Applicants respectfully assert that the general structure of the black matrix of Specie A is clearly shown in FIGs. 5 and 6, which the Requirement alleges to constitute Specie B. Accordingly, Applicants respectfully assert that the general structure of a black matrix that “covers a thin film transistor, protrusion of a common line and portions of a gate line and common line” is generic to each of FIGs. 5, 6, 7, and 8.


Fourth, the Requirement alleges that “[s]aid Species B is different from Species A in that the black matrix does not cover the common line protrusion but instead covers an area between the gate line and protrusion.” Applicants respectfully assert that this statement is inapposite since the general black matrix structure alleged by the Requirement corresponding to Specie A is

inclusive of the specific black matrix structure alleged by the Requirement corresponding to Specie B. Moreover, Applicants respectfully assert that the exclusion of Specie A to recite features of Specie B is further proof that Specie A is not mutually exclusive of Specie B, as requirement by MPEP 806.04(f).

For at least the reasons set forth above, the Examiner is respectfully requested to reconsider and withdraw the Election of Species Requirement and to examine all of claims 13-58 in this application.

Respectfully submitted,

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